

Applicant : Alan R. Tall  
Serial No.: 09/560,372  
Filed : April 28, 2000  
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In the Claims

Please cancel claim 49 without prejudice to applicant's right to pursue the subject matter of this claim in a related application.

Please amend claims 1, 10, 16 and 50 under the provisions of 37 C.F.R. § 1.121(c). The amended claims are presented below and the amendments to the claims are indicated in the marked-up set of claims in Attachment A hereto.

1. (3X Amended) An isolated human ABC1 promoter that directs transcription of a heterologous coding sequence positioned downstream therefrom, wherein the promoter is selected from the group consisting of:

(a) a promoter comprising nucleotides having the nucleotide sequence shown in SEQ ID NO: 1;

D1 (b) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -469 and ending at bp +101 of SEQ ID NO: 1; and


(c) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -101 and ending at bp 32 of SEQ ID NO: 1.

D2 10. (Amended) A host cell in cell culture comprising the recombinant expression construct of claim 5.

D3 16. (Amended) The method of claim 15, wherein the promoter nucleotide sequence is identical to the sequence set forth in SEQ ID NO: 1.

D4 50. (Amended) The isolated promoter of claim 1, wherein the promoter comprises nucleotides having the nucleotide

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 sequence beginning at bp -101 and ending at bp -32 of SEQ  
ID NO: 1.

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